

OFFICE OF THE MONITOR

NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

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January 12, 2022

VIA ECF

The Honorable Chief Judge Laura T. Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

MEMO ENDORSED

Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)

Dear Chief Judge Swain,

We write to inform the Court of a modification to the agreement between the City and the Monitor to monitor 16- and 17-year-old Adolescent Offenders at Horizon Juvenile (dkt. 365) (“Horizon Agreement”). The Horizon Agreement accompanied the Stipulation and Order Regarding 16- and 17-year-old Adolescent Offenders at Horizon Juvenile Center (dkt. 364) ordered by the Court on November 6, 2020. The City and the Monitor have agreed to slightly modify the timing of the Monitor’s Reports going forward, and agreed to a modification of the Horizon Agreement to reflect five additional business days to submit the Monitor’s Reports. The modification to the Horizon Agreement is memorialized in the attached modification agreed to by the Monitor and City, which reflects the addition of five business days to various deadlines throughout paragraph 5(b) of the Horizon Agreement.

We provide this information to the Court today as this change shifts the dates the next two Horizon Agreement Monitor's Reports will be filed with the Court by five business days.

Sincerely,

s/ Anna E. Friedberg

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*

Christina B. Vanderveer, *Associate Deputy Monitor*

The foregoing request is granted and the agreement is hereby amended to reflect the proposed changes within.

SO ORDERED.

1/13/2022

/s/ Laura Taylor Swain, Chief USDJ

**Amendment to Agreement With Monitoring Team Panel
to Monitor 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center**

Whereas, the Monitor appointed in the *Nunez* Consent Decree (11-cv-5845, docket entry 249) as defined in § XX, ¶ 1 & 6 (the “Monitoring Team Panel” or “Monitor”), the City of New York (the “City”), and the Administration of Children Services (“ACS”), entered into an agreement (“the Agreement”) which concerns the management and supervision of Adolescent Offenders, as defined under Criminal Procedure Law § 1.20(44), who are or will be housed at the Horizon Juvenile Center (“AO Youth”), and the operation of that facility.

Whereas, the Monitor, City, and ASC now desire to update the Agreement as set forth below:

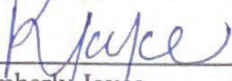
1. ¶ 5(b) of the Agreement is deleted in its entirety and replaced with the following:

“The Monitor shall issue a report within 80 business days following each reporting period. The Monitor Reports shall be provided to the City and ACS in draft form for comment at least 30 business days prior to their issuance. The City and ACS shall provide the Monitor with their comments, if any, within 15 business days after receipt of the draft Monitor Report. The Monitor shall consider the comments, and make any changes deemed appropriate, before issuing the final report. The Monitor Reports shall be written with due regard for the privacy interests of individual AO Youth and ACS staff members; federal, state and local laws regarding the privacy of such information; and the interest of ACS in protecting against the disclosure of non-public or privileged information. Consistent with such interests and laws, the Monitor shall redact individual-identifying information from Monitor Reports and any documents submitted with those reports, and shall give due consideration to ACS requests to edit or redact any other information. The Monitor shall provide the final report and redline comparing the final report with the draft Monitor Report to ACS 5 business days prior to issuing the final report. To the extent the Monitor declines to make the edits or redactions requested by ACS, ACS can append any comments to the Monitor Report that is submitted by providing such appendix to the Monitor by noon on the day the final report is to be issued.”

**FOR THE CITY OF NEW YORK AND
THE ADMINISTRATION OF CHILDREN SERVICES:**

GEORGIA M. PESTANA

Corporation Counsel for the City of New York



Kimberly Joyce

FOR THE MONITOR:

s/ Steve J. Martin

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*

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